

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

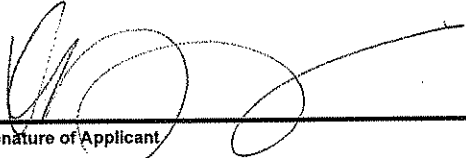
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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

MAKES IT UNLAWFUL FOR ARIZONA EMPLOYERS TO REFUSE TO HIRE, DISCHARGE OR PROMOTE A PERSON SOLELY BECAUSE OF THE PERSON'S RELIGION, AGE, RACE, DISABILITY, OR SEX. EXEMPTS EMPLOYMENT DECISIONS BASED ON SEX FOR CHURCHES AND CHURCH SCHOOLS FOR JOBS THAT ARE DIRECTLY RELATED TO RELIGIOUS FUNCTIONS OR THAT ARE DIRECTLY INVOLVED IN EDUCATING STUDENTS.


Signature of Applicant
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Free to Work Arizona

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Kyrsten Sinema, Chair
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Cynthia Leigh Lewis, Treasurer
Name of Officer and Title
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Date of Application	4.4.08
Signatures Required	153,365
Deadline for Filing	July 3, 2008
Serial Number Issued	I-19-2008
FOR OFFICE USE ONLY	

OFFICIAL TITLE

An Initiative Measure

AMENDING SECTION 41-1461, ARIZONA REVISED STATUTES; ADDING NEW SECTIONS 41-1469 and 41-1470, ARIZONA REVISED STATUTES; RELATING TO DISCRIMINATION IN EMPLOYMENT.

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Be it enacted by the People of the State of Arizona:

Section 1. Section 41-1461, Arizona Revised Statutes, is amended to read:

41-1461. Definitions

In this article, unless the context otherwise requires:

1. "Covered entity" means an employer, employment agency, labor organization or joint labor-management committee.

2. "Disability" means, with respect to an individual, except any impairment caused by current use of illegal drugs, any of the following:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual.

(b) A record of such a physical or mental impairment.

(c) Being regarded as having such a physical or mental impairment.

3. "Employee":

(a) Means an individual employed by an employer.

(b) Does not include an elected public official of this state or any political subdivision of this state, any person chosen by an elected official to be on the elected official's personal staff, an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office, unless the person or appointee is subject to the civil service laws of this state or any political subdivision of this state.

4. "Employer":

(a) Means a person who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that person, except that to the extent that any person is alleged to have committed any act of sexual harassment, employer means, for purposes of administrative and civil actions regarding those allegations of sexual harassment, a person who has one or more employees in the current or preceding calendar year.

(b) Does not include either:

(i) The United States or any department or agency of the United States, a corporation wholly owned by the government of the United States or an Indian tribe.

(ii) A bona fide private membership club, other than a labor organization, that is exempt from taxation under section 501(c) of the internal revenue code of 1954.

5. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of that person.

6. "Labor organization":

(a) Means a labor organization and any agent of a labor organization.

(b) Includes:

(i) Any organization of any kind, any agency or employee representation committee, group, association or plan in which fifteen or more employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment.

(ii) Any conference, general committee, joint or system board or joint council that is subordinate to a national or international labor organization.

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7. "Person" means one or more individuals, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers.

8. "Qualified individual with a disability" means a person with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the employment position that the individual holds or desires.

9. "Reasonable accommodation" includes:

(a) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.

(b) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters and other similar accommodations for individuals with disabilities.

10. "Religion" means all aspects of religious observance and practice, as well as belief. Unlawful practices as prohibited by this article include practices with respect to religion unless an employer demonstrates that the employer is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

11. "SEX" MEANS ANY OR ALL OF THE FOLLOWING: GENDER, GENDER IDENTITY, GENDER EXPRESSION, AND SEXUAL ORIENTATION.

12. "Undue hardship":

(a) Means an action requiring significant difficulty or expense when considered in light of the factors set forth in subdivision (b) of this paragraph.

(b) When determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(i) The nature and cost of the accommodations needed under this article.

(ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources of the facility and any other impact of the accommodation on the operation of the facility.

(iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees and the number, type and location of its facilities.

(iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of the covered entity.

(v) The geographic separateness and the administrative or fiscal relationship of the facility to the covered entity.

Section 2. Title 41, Chapter 9, Article 4, is amended by adding a new 41-1469 to read:

41-1469. Records; no requirement

NOTHING CONTAINED IN THIS ARTICLE OR ARTICLE 6 OF THIS CHAPTER REQUIRES ANY EMPLOYER, EMPLOYMENT AGENCY, LABOR ORGANIZATION OR JOINT LABOR-MANAGEMENT COMMITTEE SUBJECT TO THIS ARTICLE TO RETAIN OR MAINTAIN RECORDS REGARDING AN INDIVIDUAL'S OR GROUP'S SEX.

Section 3. Title 41, Chapter 9, Article 4, is amended by adding a new 41-1470 to read:

41-1470. Religious organization; positions directly related to religious functions or religious functions

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NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IT IS NOT AN UNLAWFUL EMPLOYMENT PRACTICE FOR A RELIGIOUS ORGANIZATION, INCLUDING AN EDUCATIONAL INSTITUTION SUBSTANTIALLY CONTROLLED OR SUPPORTED BY A RELIGIOUS ORGANIZATION, TO FAIL TO HIRE, REFUSE TO HIRE, REFUSE TO PROMOTE OR TERMINATE AN EMPLOYEE ON THE BASIS OF THAT EMPLOYEE'S SEX, IF THE POSITION IS DIRECTLY RELATED TO THE RELIGIOUS FUNCTIONS OF THE ORGANIZATION OR DIRECTLY INVOLVED IN THE PROVISION OF EDUCATION TO STUDENTS OF AN EDUCATIONAL INSTITUTION SUBSTANTIALLY CONTROLLED OR SUPPORTED BY A RELIGIOUS ORGANIZATION.